

## **REMARKS**

Claims 1-20 are pending, of which claims 1, 2, 5-8 and 11-20 have been withdrawn from consideration.

Claims 3, 4, 9 and 10 have been amended.

Reconsideration is respectfully requested in view of the above amendment and the following remarks.

### **Objection to Oath/Declaration**

The Examiner objects the Oath/Declaration as being defective because “the attorney who replied to the restriction requirement is not on the record.” Applicants, through their attorney Yunling Ren (undersigned), called the Examiner on June 15, 2006 and clarified that the Examiner’s objection was in error as the attorney who replied to the restriction requirement was and still is on the record. The attorney’s name was associated with customer number 000027777.

### **Objection to the specification**

The Examiner objects to the specification because the title contains the word “NEW” and the Abstract contains a title. Applicants have deleted the word “NEW” in the title and the title in the Abstract. Accordingly, the objection to the specification has been obviated.

**Rejection under 35 USC 112, first paragraph**

The Examiner rejects claims 3, 4, 9 and 10 under 35 USC 112, first paragraph, as failing to provide sufficient information to enable those skilled in the art to practice the claimed method for all viral drugs without undue experimentation.

Applicants have amended the claims 3, 4, 9 and 10. The amended claims are now directed to a method for evaluating the effectiveness or a change in susceptibility of a HIV protease inhibitor, for which the Examiner has acknowledged that the specification provided an enabling disclosure (See 12/16/05 Office Action, p.4). Accordingly, the rejection to claims 3, 4, 9 and 10 under 35 USC 112, first paragraph, has been overcome and should be withdrawn.

**Rejection under 35 USC 102(b)**

The Examiner rejects claims 3, 4, 9 and 10 under 35 USC 102(b), as being anticipated by Craig et al. (1998). In particular, the Examiner stated that Craig et al teaches that the 41K mutation of HIV protease is associated with reduced sensitivity to the protease inhibitor, Nelfinavir.

Applicants have amended claims 3, 4, 9 and 10 to the extent that the amended claims do not include the 41K mutation of HIV protease. As such, Craig et al. does not teach each and every element of each amend claim as required by the law of anticipation. Accordingly, Craig et al. fails to anticipate the amended claims 3, 4, 9 and 10.

In view of the amendments to claims 3, 4, 9 and 10, the rejection under 35 USC 102(b) has been overcome and should be withdrawn.

Allowance of the amended claims is respectfully requested.

Please charge any fees due to Deposit Account No. 10-0750/TIP0014US)/YR in the name of Johnson & Johnson.

Respectfully submitted,

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